

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE

Case

09-CA-288516

Date Filed

1/5/22

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer UNIVERSITY OF CINCINNATI MEDICAL CENTER		b. Tel. No. 513-532-0691
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 234 Goodman St. Cincinnati, OH 45219	e. Employer Representative Jack Talbot	g. e-mail jack.talbot@uchealth.com
		h. Number of workers employed 1,476
i. Type of Establishment (factory, mine, wholesaler, etc.) Hospital	j. Identify principal product or service Healthcare	

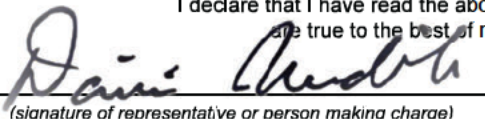
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(d) & 8(a)5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

-- See Attached --

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**  
OHIO NURSES ASSOCIATION

4a. Address (Street and number, city, state, and ZIP code) 3760 Ridge Mill Dr. Hilliard, OH 43026	4b. Tel. No. 614-352-4338
	4c. Cell No. 614-352-4338
	4d. Fax No.
	4e. e-mail dmendiola@ohnurses.org

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**  
AMERICAN FEDERATION OF TEACHERS**6. DECLARATION**I declare that I have read the above charge and that the statements  
are true to the best of my knowledge and belief.  
(signature of representative or person making charge)

Dominic Mendiola, Labor Representative

(Print/type name and title or office, if any)

Tel. No.  
614-352-4338

Office, if any, Cell No.

Fax No.

Address 1109 Challis Springs Dr. New Albany OH 43054

Date Jan 5, 2022

e-mail  
dmendiola@ohnurses.org**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

### **Exhibit #1: Basis of the Charge:**

Since on or about July 1st, 2021, and at all times thereafter, the University of Cincinnati Medical Center (the "Charged Party" hereinafter), by its officers, agents and representatives, has interfered with, restrained, discriminated against, and coerced, and is interfering with, restraining, discriminating against and coercing employees of the Charged Party, in the exercise of their rights of self-organization, to form, join or assist the Ohio Nurses Association (the "Union"), a labor organization chosen by a majority of its employees in an appropriate unit for purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other terms and conditions of employment, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for mutual aid and protection, or to refrain from such activities, which rights are guaranteed by Section 7 of the Act.

Specifically, the Charged party has committed the following acts or omissions, including but not limited to:

1. On or about October 7<sup>th</sup>, 2021, the Charged Party bargained in bad faith and repudiated the collective bargaining agreement by refusing to allow Surgical ICU nurses to vote upon scheduling guidelines allowing PM nurses to be scheduled both the eve and the day of their scheduled holiday after the Charged Party agreed to do so during contract negotiations in violation of Section 8(d) and (a)(5) of the Act.
2. On or about October 25<sup>th</sup>, 2021, the Charged Party unilaterally changed without notice and bargaining with the Union and repudiated the collective bargaining agreement by ceasing to assign contracted nurses and budgeted bargaining unit Centralized Float Pool nurses from a single centralized source and prioritizing hours and scheduling of contracted nurses and budgeted bargaining unit Centralized Float Pool nurses over budgeted bargaining unit nurses in violation of Section 8(d) and (a)(5) of the Act.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3-111  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (513)684-3686  
Fax: (513)684-3946



Download  
NLRB  
Mobile App

January 6, 2022

Jack Talbot, Senior Director Human Resources  
University of Cincinnati Medical Center  
234 Goodman St  
Cincinnati, OH 45219-2316

Re: UNIVERSITY OF CINCINNATI  
MEDICAL CENTER  
Case 09-CA-288516

Dear Mr. Talbot:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner ALAINA NIKONOW whose telephone number is (513)684-3658. If this Board agent is not available, you may contact Assistant to the Regional Director ANN MARIE BEHRLE whose telephone number is (513)684-3733.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlr.gov](http://www.nlr.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not

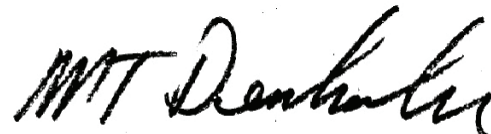
have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "MT Denholm".

Matthew T. Denholm  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3-111  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (513)684-3686  
Fax: (513)684-3946



Download  
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Mobile App

January 6, 2022

Dominic Mendiola, Labor Representative  
Ohio Nurses Association  
1109 Challis Springs Dr  
New Albany, Oh 43054

Re: UNIVERSITY OF CINCINNATI  
MEDICAL CENTER  
Case 09-CA-288516

Dear Mr. Mendiola:

The charge that you filed in this case on January 05, 2022 has been docketed as case number 09-CA-288516. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner ALAINA NIKONOW whose telephone number is (513)684-3658. If this Board agent is not available, you may contact Assistant to the Regional Director ANN MARIE BEHRLE whose telephone number is (513)684-3733.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you



fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlr.gov](http://www.nlr.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

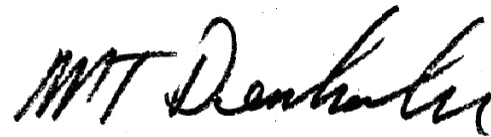
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In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability.  
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "MT Denholm". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Matthew T. Denholm  
Regional Director

cc: Ohio Nurses Association A/W American  
Federation of Teachers AFL-CIO, (AFT)  
3760 Ridge Mill Dr  
Hilliard, OH 43026



KERRY P. HASTINGS  
513.357.9380  
hastings@taftlaw.com

January 18, 2022

Alaina Nikonow  
Field Examiner  
National Labor Relations Board Region 9  
John Weld Peck Federal Building  
550 Main Street, Room 3-111  
Cincinnati, OH 45202-3271

Re: University of Cincinnati Medical Center LLC, Charge No. 9-CA-288516

Dear Ms. Nikonow:

The University of Cincinnati Medical Center LLC ("UCMC") has asked us to represent it in the above charge. Enclosed is my notice of appearance. The commerce jurisdiction of the Board is conceded.

This charge is the same as Charge No. 9-CA-285888 which Charging Party filed on November 8, 2021 and withdrew on December 20, 2021.

As UCMC explained in its initial response to Charge No. 9-CA-285888, this charge should be deferred to arbitration. The Board has held that deferral is a threshold issue, which must be resolved before the merits. Sheet Metal Workers Intern'l Ass'n Local 18, 359 NLRB 1095, 1096 (2013) ("[W]hether deferral is appropriate is a threshold question which must be decided in the negative before the merits of the unfair labor practice allegations can be considered.") (citation omitted). Accordingly, UCMC does not plan to address the "merits" of the charge at this time.

The charge should be deferred to arbitration under Dubo. Charging Party has filed the enclosed grievances covering these scheduling disputes. The contract's grievance procedure ends in final and binding arbitration and there is a reasonable chance the grievance procedure will resolve these disputes or set them at rest.

The charge should also be deferred to arbitration under Collyer. Charging Party has already filed the enclosed grievances alleging UCMC's scheduling decisions

violated the collective bargaining agreement.<sup>1</sup> UCMC will process these grievances without regard to timeliness so an arbitrator can address the merits of these disputes. The contract provides for final and binding arbitration.

This charge should be deferred to arbitration. If the Region needs anything else to support deferral, please contact me.

Yours truly,



Kerry P. Hastings

Enclosures  
KPH

---

<sup>1</sup> UCMC has previously provided the 2018 ONA contract to the Region in other cases. The parties agreed to a new contract effective July 1, 2021, but the new contract has not yet been printed. The contract provisions relevant to deferral (such as the grievance procedure) have not been changed.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Ohio Nurses Association,

and

University of Cincinnati Medical Center, LLC

CASE 9-CA-288516

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_  
University of Cincinnati Medical Center, LLC

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

Kerry P. Hastings	
NAME:	_____
MAILING ADDRESS:	Taft Stettinius & Hollister LLP, 425 Walnut Street, Suite 1800, Cincinnati, OH 45202
E-MAIL ADDRESS:	hastings@taftlaw.com
OFFICE TELEPHONE NUMBER:	513-357-9380
CELL PHONE NUMBER:	513-381-0205
SIGNATURE:	<i>Kerry P. Hastings</i>
DATE:	1-18-22

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 9  
550 MAIN ST  
RM 3-111  
CINCINNATI, OH 45202-3271

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (513)684-3686  
Fax: (513)684-3946

February 28, 2022

Kerry P. Hastings, Attorney  
Taft Stettinius & Hollister LLP  
425 Walnut St., Suite 1800  
Cincinnati, OH 45202-3957

Dominic Mendiola, Labor Representative  
Ohio Nurses Association  
1109 Challis Springs Dr  
New Albany, OH 43054

Re: UNIVERSITY OF CINCINNATI  
MEDICAL CENTER  
Case 09-CA-288516

Dear Mr. Hastings and Mr. Mendiola:

The Region has carefully considered the charge alleging that UNIVERSITY OF CINCINNATI MEDICAL CENTER violated the National Labor Relations Act. As explained below, I have decided that further proceedings on the charge should be handled in accordance with the deferral policy of the National Labor Relations Board as set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This letter explains that deferral policy, the reasons for my decision to defer further processing of the charge, and the Charging Party's right to appeal my decision.

**Deferral Policy:** The Board's deferral policy provides that the Board will postpone making a final determination on a charge when a grievance involving the same issue can be processed under the grievance/arbitration provision of the applicable contract. This policy is partially based on the preference that the parties use their contractual grievance procedure to achieve a prompt, fair, and effective settlement of their disputes. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Board's Regional Office will defer the charge.

**Decision to Defer:** Based on our investigation, I am deferring further proceedings on the charge in this matter to the grievance/arbitration process for the following reasons:

1. The Employer and Union have a collective-bargaining agreement currently in effect that provides for final and binding arbitration.
2. The Union's two allegations, including, the Employer's alleged repudiation of the contract by: (1) refusing to allow surgical ICU nurses to alter their scheduling guidelines by voting on whether PM nurses should be scheduled

- both the eve and the day of their scheduled holiday and (2) changing the manner in which centralized float pool and contracted travel nurses are scheduled into the Employer's scheduling system, as alleged in the charge, are encompassed by the terms of the collective-bargaining agreement.
3. The Employer is willing to process the grievances previously filed concerning the issues in the charge, and will arbitrate the grievances if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the disputes.
  4. Since the issues in the charge appear to be covered by provisions of the collective-bargaining agreement, it is likely that the issues may be resolved through the grievance/arbitration procedure.

**Further Processing of the Charge:** As explained below, while the charge is deferred, the Regional office will monitor the processing of the grievance and, under certain circumstances, will resume processing of the charge.

*Charging Party's Obligation:* Under the Board's *Collyer* deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly submit the grievance to the grievance/arbitration process or declines to have the grievance arbitrated if it is not resolved, I may dismiss the charge.

*Charged Party's Conduct:* If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed, or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

*Monitoring the Dispute:* Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and if continued deferral is appropriate. However, at any time, a party may present evidence and request dismissal of the charge, continued deferral of the charge, or issuance of a complaint.

*Notice to Arbitrator Form:* If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the arbitrator sends the award to the parties.

*Review of Arbitrator's Award or Settlement:* If the grievance is arbitrated or settled, the Charging Party may ask the Board to review the arbitrator's award or settlement. The request must be in writing and addressed to me. If the request concerns an arbitrator's award, the request should analyze whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered

by the arbitrator, and whether the award is consistent with the Act. Further guidance on this review is provided in *Spielberg Manufacturing Company*, 112 NLRB 1080 (1955) and *Olin Corp.*, 268 NLRB 573 (1984). If the request concerns a grievance settlement, see *Alpha Beta*, 273 NLRB 1546 (1985). These Board decisions are available on our website, [www.nlr.gov](http://www.nlr.gov).

*Change in Standards if Parties Agree to Submit Statutory Issue to Arbitrator:* If during the processing of the grievance the parties agree to authorize the arbitrator to decide the statutory issue, please advise me in writing.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlr.gov](http://www.nlr.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlr.gov](http://www.nlr.gov). If you require additional assistance with E-Filing, please contact [e-Filing@nlrb.gov](mailto:e-Filing@nlrb.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **March 14, 2022**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 13, 2022. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before March 14, 2022**. The request may be filed electronically through the **E-File Documents** link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any

February 28, 2022

request for an extension of time to file an appeal received after March 14, 2022, **even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

A handwritten signature in black ink, appearing to read "MT Denholm".

Matthew T. Denholm  
Regional Director

Enclosures

cc: Jack Talbot, Senior Director Human Resources, University of Cincinnati Medical Center  
234 Goodman St, Cincinnati, OH 45219-2316

Ohio Nurses Association a/w American Federation of Teachers AFL-CIO, (AFT),  
3760 Ridge Mill Dr, Hilliard, OH 43026



UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE TO ARBITRATOR**

TO: \_\_\_\_\_  
(Arbitrator)

\_\_\_\_\_  
(Address)

\_\_\_\_\_

NLRB Case Number  
**09-CA-288516**

NLRB Case Name: UNIVERSITY OF CINCINNATI MEDICAL CENTER

A determination has been made by the Regional Director of Region 09 of the National Labor Relations Board to administratively defer to arbitration the further processing of the NLRB charge in the above matter. Further, both parties to the NLRB case have agreed to proceed to arbitration before you in order to resolve the dispute underlying the NLRB charge.

So that the Regional Director can be promptly informed of the status of the arbitration, the undersigned hereby requests that a copy of the arbitration award be sent to Regional Director, Region 09, 550 MAIN ST, CINCINNATI, OH 45202-3271 at the same time that it is sent to the parties in the arbitration.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

I am appealing the action of the Regional Director in deferring the charge in

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Case Name(s).

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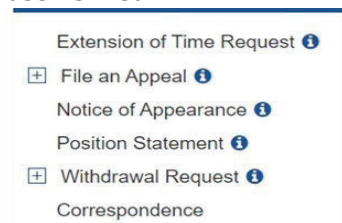
Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

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*(Signature)*

## E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
  - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
  - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
  - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
  - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
  - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
  - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
  - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
  - The Charging Party will e-file this document as a supplement of the Appeal.
  - The Charged Party will specifically file one to support the Region's decision.
  - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
  - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.